

CINCINNATI POLICE DEPARTMENT



STAFF NOTES

Colonel Thomas H. Streicher, Jr., Police Chief
February 25, 2003

<u>ITEM</u>	<u>SUBMITTED BY</u>
1. <u>LEGAL SUPPORT</u>	PLANNING SECTION
2. <u>TRAINING BULLETIN #2003-1 - SUDDEN CUSTODY DEATHS AND POSITIONAL ASPHYXIA</u>	TRAINING SECTION
3. <u>SPAM EMAIL</u>	INFORMATION TECHNOLOGY MANAGEMENT SECTION
4. <u>ANNUAL LIQUOR PERMIT RENEWALS</u>	GENERAL VICE ENFORCEMENT UNIT
5. <u>COLLEGE CREDIT FOR ACADEMY TRAINING</u>	TRAINING SECTION
6. <u>THANK YOU LETTERS</u>	CHIEF'S OFFICE
7. <u>REVISION OF PROCEDURES 12.205, TRAFFIC ENFORCEMENT AND 12.554, INVESTIGATORY STOPS</u>	PLANNING SECTION
8. <u>COMMENDATIONS</u>	CHIEF'S OFFICE

1. LEGAL SUPPORT

Ernest McAdams, Jr., City Prosecutor, will be out of the office from February 22 to March 10, 2003. All questions may be directed to Charlie Rubenstein, Chief Assistant City Prosecutor.

2. TRAINING BULLETIN #2003-1 - SUDDEN CUSTODY DEATHS AND POSITIONAL ASPHYXIA

Attached to these Staff Notes is the latest training bulletin published by the Police Academy. This bulletin discusses the issues surrounding sudden custody deaths and positional asphyxia, including:

- Factors related to positional asphyxia;
- What to be alert for during a violent struggle;
- Steps to take after a struggle;
- Some symptoms to be alert to in both the person in custody and the officers involved in the struggle, and
- A court case judgement in a positional asphyxiation death in Florida.

Questions may be directed to the Police Academy staff at line 352-3562.

3. SPAM EMAIL

SPAM email is generally unwanted, unsolicited email, which is forwarded through various electronic mailing lists. SPAM email can be dangerous because it can transport viruses and bog down the email system. Users are reminded not to forward SPAM email through the Department's mailing list. The "Police All" list, as all Department email, should be used only for business purposes. Examples of these are press releases, crime information, or information that affects Department employees with their duties.

If you receive email with the instructions to forward it on to everyone you know, this should be a flag that the email contents could be a hoax or contain a virus. Users should verify the authenticity of the email with Information Technology Management Section (ITMS) before forwarding it. If the email is determined to be a hoax, ITMS will distribute an administrative message notifying users. Questions may be directed to ITMS at 564-2100.

4. ANNUAL LIQUOR PERMIT RENEWALS

All districts are required to turn in liquor permit objection binders to the General Vice Enforcement Unit by March 25, 2003. The dates for the Neighborhood and Public Works Committee to review all objections are April 8th at 1100 hours and April 22nd at 1800 hours.

Any questions may be directed to the General Vice Enforcement Unit.

5. COLLEGE CREDIT FOR ACADEMY TRAINING

Xavier University has made the decision to provide 24 semester credit hours for completion of recruit training. This may equal one full year of college study. Xavier University offers daytime and evening courses as well as an accelerated Weekend Degree Program. For additional information on college credit from Xavier University contact Dr. Mary Kay Meyer at 745-3030 or by email at MeyerMK@xu.edu.

6. THANK YOU LETTERS

[Attached](#) to these Staff Notes are two thank you letters. The first is from Joseph G. Farrell, a business owner in Northside, expressing his support for District Five officers. The second letter is from Chief Richard A. Pope, Mariemont Police Department, for the assistance of our Explosive Ordinance Detection Canine Unit.

7. REVISION OF PROCEDURES [12.205](#), TRAFFIC ENFORCEMENT AND [12.554](#), INVESTIGATORY STOPS

Procedures 12.205, Traffic Enforcement, and 12.554, Investigatory Stops, have been revised. Their Policy statements now include the following; "except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer will explain to the citizen in a professional, courteous manner why he or she was stopped or detained."

These revisions are effective immediately. Personnel should review these procedures in their entirety. The revised procedures are available on the Intranet and on the Department web page at www.cincinnati-police.org.

COMMENDATION FOR THE WEEK OF 2/23/03-3/01/03

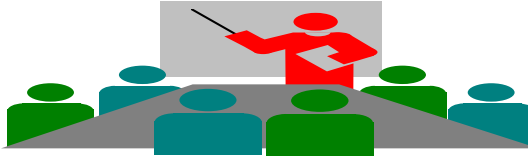
DISTRICT ONE

POLICE OFFICER SCOTT KRAUSER

On January 14, 2003, after serving for nine years as a member of the Cincinnati Police Department SWAT Unit, Police Officer Scott Krauser requested that he be relieved of his duties as an active member of the unit. Officer Krauser was selected for the team from a group of highly qualified candidates. He has served with distinction as a member of the SWAT Unit and made a significant contribution to the program. Officer Krauser is deserving of this commendation for his commitment and dedicated service to the SWAT Unit.

Cincinnati Police Academy Training Bulletin

Sudden Custody Deaths and Positional Asphyxia



2003-1

February, 2003

Introduction

An in-custody death, tragic in and of itself, is an event with serious consequences for both the Department and the officers involved. Beyond the multitude of investigations and lawsuits, involved officers are at high risk for a variety of social and psychological problems including Post-Traumatic Stress Disorder.

There is a growing body of knowledge about positional asphyxia and an increasing recognition of its role in in-custody deaths. More importantly, a number of risk factors have been identified that can assist officers in reducing the chances of a sudden in-custody death.

References:

P.M. 12.600 PRISONERS: SECURING, HANDLING, AND TRANSPORTING

Chicago Police Training Bulletin on Positional Asphyxia

"Positional Asphyxia and Sudden Death" National Law Enforcement Technology Center

"Police Custody Death Syndrome" Wayne County Sheriff's Department

"Legal Lights," The Trainer, December, 2002.

Fernandez v. City of Cooper City, 11th Circuit, May, 2002.

Information

Consider this scenario. A number of officers arrive on the scene of a disorderly person threatening

passers-by. They observe a somewhat overweight and intoxicated individual, extremely agitated, sweating profusely, and yelling. As the officers attempt to control the individual, a violent struggle ensues. The individual ends up face down on the ground and is handcuffed. A few minutes later, the individual stops breathing.

Put simply, positional asphyxia can occur when a person's breathing is restricted from pressure exerted against the chest or the position of a person's head causes obstruction of their airway. Either of these conditions can result from a body position that interferes with breathing. Some restraint and transport positions increase the risk of positional asphyxia.

Factors Related to Positional Asphyxia

There is general agreement that certain factors increase the risk of positional asphyxia. These factors include –

Cocaine Induced Delirium - This is a side effect suffered by some cocaine users. It is characterized by disorientation, hallucinations, and an increase in heart rate.

Other drug/alcohol use - Intoxication may reduce respiratory function.

Physical Build - Obesity has been identified as a factor increasing risk for positional asphyxia.

Environment - Extreme temperatures increase risk.

Underlying Health Problems - Asthma, emphysema, and heart disease have all been implicated as factors.

The Precipitating Event – A Violent Struggle

Apprehension and control of violent individuals is one of the core functions of police. The use of reasonable physical force to control people is an all too common necessity for officers. Yet the death of an individual following such a struggle is extremely rare. Certain factors involved in the struggle are associated with positional asphyxia. They include:

A protracted struggle - Some experts cite the three-minute rule. If a struggle lasts longer than three minutes, the participants may experience high levels of lactic acid and low oxygen levels, increasing their risk for sudden death.

Suspect Position - A suspect on his stomach, particularly on a hard surface, is at increased risk.

Pressure Applied on the back - In struggles where officers use body weight for control directly on the suspect's back, there will be increased risk of positional asphyxia.

Steps After the Struggle

- 1) Once the individual is controlled, move him to a seated position. Do not leave the person prone on the ground.
- 2) Look for signs of troubled breathing - Gasping, shallow breathing, inability to speak.
- 3) Head dropping – A person physically exhausted may allow their chin to drop to their chest, which further constricts airflow.

Individuals who speak clearly or remain verbally combative are not at risk. If there are any concerns, get immediate medical assistance.

Watch Other Officers

Officers involved in intense physical struggles may also experience medical problems. Any officer whose breathing is labored, has trouble speaking, and/or experiences chest pain should immediately request medical help. In the sometimes chaotic situations in which officers work, it is crucial that everyone on the

scene be alert to these problems.

One Court Case*

In circumstances similar to the scenario described above, Fidel Fernandez died after a struggle with officers in Cooper City, Florida. The plaintiffs argued that the death of Fernandez from positional asphyxiation stemming from prone restraint, pressure on the upper torso, and a struggle in handcuffing Fernandez was evidence of unconstitutionally excessive force. The court ruled for the officers, stating "...it is unclear as to what reasonable alternatives the officers had in dealing with Fidel. The prone restraint pressure on the upper torso,...and struggle were all the result of Fidel's illegal, physical, and prolonged resistance. ...Sympathy for a plaintiff does not transform law enforcement officials' objectively reasonable responses to a volatile situation into a constitutional violation."

**Be aware this is a Florida case and Ohio courts may view the case differently.*

QUICK CHECK REVIEW

1. Positional asphyxiation can occur from:
 - a. pressure exerted against the chest or back
 - b. the position of a person's head
 - c. any body position interfering with breathing
 - d. all of the above
2. Factors that increase the risk of positional asphyxiation include:
 - a. disorientation, hallucinations, and an increase in heart rate.
 - b. being intoxicated
 - c. being overweight.
 - d. very hot or very cold days.
 - e. chronic illness/disease.
 - f. All of the above.
3. True or False: A struggle lasting longer than three minutes increases the participants' risk of sudden death.
4. True or False: Following a struggle, the individual being controlled should be moved to a seated position and checked for signs of breathing difficulties.
5. It is crucial that all participants in intense struggles be watched for:
 - a. labored breathing
 - b. trouble speaking
 - c. complaints of chest pain.
 - d. All of the above.

Answers: 1-d; 2-f; 3-True; 4-True; 5-d

Joseph G. Farrell
195 Lafayette Circle
Cincinnati, Ohio 45220

February 12, 2003

Chief of Police Thomas Streicher
District 1 Headquarters
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Dear Chief Streicher,

As owners of a business in Northside (Jacobs, at 4029 Hamilton), my partners and I wish to express to you our support for the District 5 police and their efforts to catch the criminals operating so blatantly in our neighborhood. Officer Schulte showed great courage in the incident this past Sunday...few people have it in them to pursue a potentially violent criminal through the dark alleys of a dense urban neighborhood.

We are continually investing in improvements in our business, and have plans to extend these improvements into the upper floors and adjacent buildings that we now own and may purchase in the future. Improvements such as these attract more and more law-abiding customers and residents; their presence gradually forces out the criminal element. But like all business owners we hesitate making further investments if the signs indicate this current crime wave is permanent and property values are not going to recover.

I have sent a letter to Captain Johns and enclosed a letter of support for him to pass on to Officer Schulte.

Thank you again for all of your efforts and the efforts of your officers.

Sincerely,



Joseph G. Farrell

**Mariemont Police Department
6907 Wooster Pike
Mariemont, Ohio 45227-4428**

**Richard A. Pope
Chief of Police**

**Telephone: 513-271-4089
Fax: 513-271-1655**

February 12, 2003

Chief Thomas Streicher
Cincinnati Police Department
310 Ezzard Charles Drive
Cincinnati, Ohio 45214

Dear Chief Streicher:

I am writing to express my appreciation for the assistance provided by two of your officers and their canine partners on February 11th.

Officer Greg Ventre and Officer Mike Ammann responded to a bomb threat made against unspecified schools in the Mariemont School District. The officers and their dogs were invaluable in searching the five buildings comprising the District. It was apparent that both the officers and their dogs were skilled at what we were asking them to do.

It is a huge comfort to know that your agency, with officers such as Ventre and Ammann, is available to provide assistance.

Sincerely,

A handwritten signature in black ink, reading "Richard A. Pope". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

**Richard A. Pope
Chief of Police**

12.205 TRAFFIC ENFORCEMENT

Reference:

Procedure 12.225 - Vehicular Crash Reporting
 Procedure 12.240 - Ohio Multi-count Uniform Traffic Ticket (MUTT)
 Procedure 12.537 - Mobile Video Recording Equipment
 Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
 Procedure 12.900 - Processing Juvenile Offenders
 Procedure 19.140 - Outside Employment
 Procedure 12.554 - Investigatory Stops
 Cincinnati Municipal Code Chapter V
 City of Cincinnati Police Pamphlet
 Ohio Revised Code - Motor Vehicle Laws
 Standards Manual 1.2.6; 1.2.7; 1.2.9; 61.1.1; 61.1.2; 61.1.5; 61.1.6; 61.1.8; 61.1.9; 61.4.1; 61.4.2;
 City Ordinance 88-2001

Purpose:

To afford the public a fair measure of enforcement consistent with the objectives of efficient traffic regulation, accident investigation, and relieving traffic congestion.

To employ discretion as directed in borderline cases when:

- There is a reasonable possibility of human error in judgment on the part of either the police officer or the public.
- There is a logical possibility of malfunction of mechanical equipment without knowledge or intent on the part of the driver.
- The content of the particular law, which was violated, is not common knowledge.

Policy:

No law enforcement agency should condone or promote the use of any illegal profiling system in their enforcement program. Any member of the Department who engages in illegal profiling shall be subject to disciplinary action, in accordance with applicable civil service law, up to and including dismissal, and may face claims of civil rights violations in Federal court.

Officers must ensure video and audio recording equipment is activated when operating in emergency mode and when participating in traffic stops and pursuits. Recording will continue until the traffic stop is completed and the stopped vehicle departs, or until the officer's participation in the stop ends.

Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer will explain to the citizen in a professional, courteous manner why he or she was stopped or detained.

For purpose of the above sentence, the term "exigent circumstances" refers only to those conditions occurring after the stop has been made which, for safety reasons, would make it unreasonable for the officer to remain at the scene of the stop to explain the basis for the stop.

Information:

The Cincinnati Municipal Code Ordinance No.88-2001 requires the collection of the following information for all motor vehicle stops:

- The number of vehicle occupants;
- Characteristics of race, color, ethnicity, gender and age of such persons, provided the identification of such characteristics shall be based on the observation and perception of the police officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped;
- The nature of the stop;
- The location of the stop;
- If an arrest was made, the misdemeanor or crime charged;
- If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the individual's property was searched, and the duration of the search;
- Whether any contraband was discovered in the course of the search and the type of any contraband discovered;
- Any additional information that the Police Chief deems appropriate.

This information will be collected on a Form 534, Contact Card. Officers are required to complete a Contact Card for all motor vehicle stops.

Procedure:

A. Traffic Enforcement

1. On-duty enforcement will be guided by the following:
 - a. On ALL motor vehicle traffic stops, officers will complete a Contact Card and submit it with their worksheets at the end of the shift.
 - b. When participating in traffic stops, officers must ensure video and audio equipment is activated.
 - c. Take appropriate enforcement action whenever a violation is detected, including provable violations determined as the result of accident investigations.
 - 1) Handle juvenile traffic offenders as outlined in Procedure 12.900, Processing Juvenile Offenders.
 - d. Traffic law enforcement activities will be primarily but not exclusively selective; e.g., directed toward accident causing violations.
 - e. Officers will not engage in at rest patrol or stationary observation during the heavy traffic hours of 0600-0900 and 1500-1800 weekdays, other than holidays, except while performing speed enforcement in school zones.
 - 1) Traffic enforcement activities will include locating and relieving traffic congestion and hazards on arterial highways, minimizing interference with the flow of traffic, and being alert to traffic conditions.
 - f. Objectively enforce parking regulations.

- g. Members encountering problem conditions which are the responsibility of other city agencies (Traffic and Road Operations Division, Public Utilities, etc.) will complete a Form 318, Report of Conditions Affecting Other Departments, in triplicate and distribute as follows:
 - 1) Fax a copy of the Form 318 to Public Services, Customer Service at 591-6027.
 - 2) Original is sent to Public Services, Customer Service via interdepartmental mail.
 - 3) Copy to the City Solicitor's Office.
 - 4) Copy filed at the initiating unit.
- h. When traffic violators are stopped for violations, which under normal conditions, merit a citation, and the officer involved believes a physical arrest on the traffic violation is necessary, he will call his supervisor to the scene. The responding supervisor will make the final decision.
 - 1) If the traffic violator conducts himself in a disorderly manner, or when there is a violation other than a traffic offense, the officer may decide to arrest and use discretion in requesting a supervisor to respond.
- i. In order for a person to legally drive a vehicle in Ohio, a person must be legally licensed (ORC §4507.02). That means either this state, or some other state has conferred upon the driver the privilege to drive, and that privilege is still in effect. There is no requirement for the operator of a motor vehicle to carry, or have about his person, a drivers license. Consequently, the mere lack of a drivers license on his person is not probable cause for an arrest. However, a person may be arrested under the following conditions:

- 1) Pursuant to §4507.35, if a driver does not have his license, and fails to provide satisfactory proof of a valid license, there is a legal presumption that he does not in fact have a valid license. Under those circumstances, the officer has probable cause to arrest the individual for a violation of §4507.02.
- 2) A person supplies satisfactory evidence of his license status by providing the officer with sufficient information, which will allow the officer to verify that license status from the state BMV.

Examples:

- If a person supplies a name and social security number which, when run through the BMV, does return a description which matches the suspect and does indicate that the license is valid, then sufficient evidence of a valid license has been provided. No further action is warranted.
- If a person supplies a name and social security number which, when run through the BMV, returns a description which indicates that there is a valid license under the name submitted, but the descriptive information does not match the subject, then sufficient evidence of a valid license has not been provided and an arrest may be made under §4507.02. Falsification and/or Obstructing Official Business may be additional options.
- If a person supplies a name and social security number and the officer is unable to run that information through the BMV due to the system being down and has no other way to verify the existence of a valid license, then sufficient evidence of a valid license has not been provided and an arrest may be made under §4507.02. With the availability of both police radios and MDTs, this situation should rarely occur.

- 3) Pursuant to §4507.35, if a driver does

have his license on his person, and refuses to display that license upon the demand of the officer, such action does constitute a first-degree misdemeanor. The person should be charged with a violation of §4507.35.

- a) This offense may be hard to establish, since the failure to have a license on his person does not give the officer the right to conduct a pat down or search for the license. Consequently, in cases where an individual tells the officer that he does not have a license on him, when in fact he does, but provides sufficient information to the officer to determine a valid license does exist, that person has committed a violation of §4507.35, but the officer may not know it.
 - b) This violation will normally be charged where the license is discovered pursuant to a search incident to a lawful arrest for some other incident (such as an open warrant or capias), or where the individual later admits to the officer he really does have the license on him.
- j. Officers encountering violations of Cincinnati Municipal Code (CMC) Section 506-11, Railroads Crossing Highways at Grade, will obtain the full name of the railroad company, its local business address, the name of the local ticket or freight agent, the name of the conductor of the train, and the name and address of the complainant, if any.
- 1) A district supervisor will respond to the scene to conduct an investigation.
 - a) Do not make citations or physical arrests solely for violation of CMC Section 506-11.

b) For violations in excess of 15 minutes, submit a Form 17 through the Patrol Bureau to the Municipal Court Prosecutor's Office requesting a court summons for the railroad company.

k. Officers engaged in police related outside employment are considered on duty for purposes of this procedure and should conduct themselves accordingly.

2. Off-duty enforcement guidelines

a. Off-duty officers who determine enforcement action is appropriate will contact Police Communications Section (PCS) to request an on-duty police officer and supervisor to respond to the scene to conduct the investigation. This applies to off-duty officers not engaged in police related outside employment, as defined in Procedure 19.140, Outside Employment.

1) If possible, the on-duty officer will make the arrest/citation with the off-duty officer serving as a witness.

2) The Department recognizes that in some cases an officer must take immediate action. In these cases, as soon as possible, the officer will contact PCS to request an on-duty supervisor to respond to the scene.

a) The responding supervisor will investigate the situation and submit a Form 17 to the Police Chief detailing the circumstances of the incident.

3) Officers will not try to stop vehicles while off duty unless it is a serious life-threatening situation.

B. Traffic Enforcement Guide

1. Individual police officer discretion and on-scene supervisory decisions should be guided by policy and specific situations.

2. Lack of hazardous circumstances in borderline violations may warrant enforcement action less than citation; i.e., warning.

Examples:

503-1 - Lights, General

Citation - Recurring violation, violation after warning, violation caused accident, or aggravated circumstances.

Warning - Most violations, with officer discretion dictated by above.

506-39 - Emerging from Alleys or Driveways

Citation - Failed to stop, stopped at place other than designated place (stop line) and interfered with pedestrian or vehicular traffic, or involved in accident with skidmarks crossing stop line.

Warning - Stopped but not at designated place (stop line) and did not interfere with traffic.

- a. Do not issue warnings for violations causing accidents.

3. Police officers must familiarize themselves with the City of Cincinnati Police Pamphlet and Ohio Revised Code - Motor Vehicle Laws for the legal requirements of each ordinance.

C. Speed Enforcement

1. Use only those speed measuring devices or methods approved by the Police Chief to enforce any ORC (Ohio Revised Code) or municipal ordinance relating to speed. They include measuring speed via pacing, radar, and laser.
2. Speed measuring devices will not be used if any known condition exists that endangers the officer or the public. Officers must use sound judgment when considering weather conditions, roadway conditions, traffic congestion, time of day, etc., before initiating the use of a radar or laser unit.

- a. Check radar and laser units daily for proper operation and calibration before using to enforce any ORC or municipal ordinance relating to speed. Immediately remove radar and laser units from service if the devices fail any portion of the calibration check procedure or are found to be in a state of disrepair.
 - 1) Return radar and laser units in need of repair to the Traffic Unit. They will coordinate the repair by the manufacturer or authorized representative. Make a unit blotter entry indicating the device has been removed from service.
 - 2) Traffic Unit will provide a spare radar or laser unit if available.
- b. Radar and laser units will be examined and field certified annually by their manufacturer or authorized representative for accuracy of the device and calibration accessories.
- c. Traffic Unit will maintain records of all radar and laser unit certifications as well as all repairs performed on these units.

D. Pacing

- 1. Pacing is the act of following a violator's vehicle at the same speed for a given distance, maintaining a set distance between the two vehicles, to establish the violator's speed. Speeds are determined by comparing the police vehicle's calibrated speedometer or speed measuring device to the speed of the violator's vehicle. A pacing distance of one-fourth of one mile is required before determining the violator's speed and enforcing any ORC or municipal ordinance relating to speed.
 - a. Pacing vehicles will not be used if any known condition exists that endangers the officer or the public. Officers must use sound judgment when considering weather conditions, roadway conditions, traffic congestion, time of day, etc., before pacing is used to enforce any ORC or municipal ordinance relating to speed.

- b. All marked vehicles are equipped with field certified speedometers upon receipt by the Police Department. Additionally, each marked vehicle's speedometer is professionally checked and certified accurate before the vehicle is put into service.
 - 1) Certificates of accuracy for all marked Department vehicles are maintained by Fleet Management Unit.
 - 2) Officers notified for court regarding a speeding citation issued based on the pacing of the violator's speed must contact the Fleet Management Unit as soon as possible upon receiving the court notify.
 - a) The Fleet Management Unit will assist the officer in having the vehicle's speedometer recertified before the court date to ensure the proper evidence is available in the event the case goes to trial.

12.554 INVESTIGATORY STOPS

Reference:

Procedure 17.100 - Police Records; Storage and
Maintenance, and Initiating New
Records and Forms
Procedure 12.205 - Traffic Enforcement
Terry v. Ohio, 392 US 1, (1968)
Florida v. J.L., US Supreme Court (2000)
Standards Manual - 1.2.3; 1.2.9; 41.2.3; 51.1.1;
82.1.4
City Ordinance 88-2001

Information:

There are three levels of police/citizen contact.

The first level is a consensual encounter. A police officer may approach any person in a public place and request to talk to him. So long as the person is free to leave whenever he wants, no Fourth Amendment seizure has occurred and no reasonable suspicion or probable cause is required.

The next level is the "Terry" type encounter. Here the officer has reasonable suspicion to believe the citizen is committing or has committed a crime. Based on this reasonable suspicion, the officer may forcibly stop and detain the citizen for a brief investigatory period. Failure to answer the questions asked by the officer or to properly identify oneself cannot provide the justification for detaining a person past the period necessary to complete the brief "Terry" type investigation. Once the reasonable suspicion is determined to be unfounded, the citizen must be released.

The third level of police/citizen contact is the arrest. The arrest occurs when the citizen is no longer free to leave and the officer has the intent to arrest. The arrest must be supported by probable cause to believe the citizen is committing or has committed a criminal offense.

Information or descriptions resulting from anonymous tips is not sufficient probable cause to stop and search individuals. Officers must carefully develop reasonable suspicion in cases involving anonymous tips. Officer's observations while on the scene, securing more complete information from the anonymous caller and other circumstances which would tend to support the information received are all ways that officers can use to articulate reasonable suspicion allowing a Terry Stop.

Every "Terry" type stop does not automatically authorize a frisk. If a frisk is conducted, the officer must be able to articulate specific facts which led them to believe the individual could be armed and dangerous.

Policy:

No law enforcement agency should condone or promote the use of any illegal profiling system in its enforcement program. Criminal elements exist in every segment of our society. An officer whose enforcement stops are based on race or ethnicity is engaged in a practice, which undermines legitimate law enforcement, and may face claims in Federal courts of civil rights violations. To focus on a single segment of society is to limit enforcement efforts.

Awareness is the key to success in criminal interdiction. Observations must be evaluated in the aggregate --not isolation. An officer must use all senses while avoiding the development of tunnel vision. An important factor to remember when conducting an enforcement stop is to take the time to do it right. Do not rush through the stop or an important indicator of illegal activity may be missed.

Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer will explain to the citizen in a professional, courteous manner why he or she was stopped or detained.

For purpose of the above sentence, the term "exigent circumstances" refers only to those conditions occurring after the stop had been made which, for safety reasons, would make it unreasonable for the officer to remain at the scene of the stop to explain the basis for the stop.

Procedure:**A. Completing a Form 534, Contact Card**

1. Police personnel meeting persons in the field under circumstances which justify questioning, but are insufficient to warrant an arrest, may complete a single copy of the Contact Card.
2. When completing a Contact Card, and while the subject is still in his presence, the officer will:
 - a. Go through Police Communications Section to determine if the subject is wanted by checking the computer system: RCIC, NCIC, and LEADS.
 - b. Record all pertinent information on the Contact Card: social security number, driver's license number, vehicle license number, etc.
3. The initiating officer will make a copy of Contact Cards pertaining to gang members or associates and forward them to the Intelligence Unit.
4. The initiating officer will make a copy of those Contact Cards pertaining to violations of the "stay-away order" and forward them to the Probation Department (refer to procedure 12.555).

B. Processing a Contact Card

1. Officers will turn in all Contact Cards with their worksheet at the end of the shift. The Contact Cards will be stored at the District of occurrence, eventually to be scanned into a database.
2. Contact cards replace the FIR cards and have the same retention period.

C. Accessing a FIR Card completed prior to May 7, 2001

1. Officers can access information on FIR cards from 0800-2400 hours by calling Traffic Accident Records of the Records Section.

- a. FIR cards are stored on optical discs.
 - 1) FIR cards have a retention period of current year plus two previous years.
 - a) FIR cards older than the allowed retention period are destroyed per Procedure 17.100.
- b. Records Section can do a data search of FIR cards completed prior to May 7, 2001 by:
 - 1) Name - first or last name, or first initial of either first or last name
 - 2) Location - exact location, or an entire street
 - 3) Date of FIR card, or any range of dates
 - 4) Beat number
 - 5) Subject's address
- c. Included in the index file are companion FIR cards listed on the subject's card.